

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

JANUARY 6, 2009

The following is a summary of the January 6, 2009 Meeting:

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Also present was Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Senior Assistant Attorney General**
- II. Opening statement delivered by Frank Linkous, Chairman**
- III. Motions made and seconded to accept January 6, 2009 meeting agenda and approve December 2, 2008 meeting summary. All members were in favor to approve.**
- IV. Review of Traditional Case for Violation of Safety Laws (Open Session)**

In the matter of the traditional case for open session, the individual scheduled before the Board did not appear. The Board voted unanimously to revoke all certifications held by the individual and also advised that the charges against the individual have been presented for prosecution to the Commonwealth Attorney's Office.

- V. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

- VI. Open Agenda**

Chairman Linkous discussed two items in open agenda. The first matter involved negative dilute and steps to be taken to make certain that these results are handled properly when reporting to the Division of Mines.

Chairman Linkous also discussed funds received by the Office of the Attorney General in Richmond which will be made available to DMME for use in the treatment and/or rehabilitation of miners who have failed screenings for prescription drugs or who voluntarily admit to prescription drug problems.

There was also discussion by the Board regarding use of additional provider for miners who enter into agreements (Marshal Litton Baker/Mountain States Health Alliance.

VII. Next Meeting

Next meeting will be February 3, 2009.

VIII. Adjournment

Meeting adjourned at 2:40 PM.